

**Meeting:** Richmond (Yorks) Area Constituency Planning Committee  
**Date:** Thursday, 11th May, 2023  
**Time:** 10.00 am  
**Venue:** Council Chamber, Civic Centre, Stone Cross, Rotary Way,  
Northallerton DL6 2UU

**Update List**

Update List - 11 May 2023

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		<p>Environmental Health Updated response</p>	<p>Following submission of an acoustic report from an objector EHO reviewed their response and made the following comments.          Having undertaken a complete review, I feel the consultation response remains accurate and the recommended conditions robust given the complex nature of the site. I would like to recommend a slight amendment to two of the recommended conditions which will clear some ambiguity and address operational times for amplified music.</p> <ol style="list-style-type: none"> <li>1. Prior to commencement of use, the Celebration Barn is to be <b>insulated and all noise attenuating measures installed/implemented</b> in accordance with the agreed scheme approved by the local planning authority.</li> <li>2. Following completion of all remedial works, and prior to any approved activity, a detailed analysis of noise levels both internally and externally (to include all noise sensitive receptors) should be undertaken when amplified music is being played at the maximum intensity allowed within the structure. The resultant assessment must be submitted and approved by the Local Planning Authority prior to the commencement of any approved use. Where problems are identified, additional remedial work is to be undertaken to prevent excessive breakout (noise) from the building.</li> <li>3. No live, amplified music or live entertainment shall take place outside of the <b>Celebration Barn. No live music, amplified music or live entertainment is permitted at any location on the site beyond 2300h.</b></li> <li>4. Live music, amplified music, or live entertainment must be put through a noise limiter, levels to be set in agreement with the Environmental Health Service.</li> </ol> <p>The Event Management Plan should be kept under constant review and all measures enforced in line with the document. In addition, reviews should also take place when new plant and equipment are proposed, following a valid complaint, when planning alterations to the building are proposed and when monitoring procedures identify that controls are either no longer working or inadequate.</p> <p>The objector's Acoustic Report concludes:          It is not evident to me that the noise impact this operation will bring is acceptable. Indeed, some elements of</p>
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		<p>Officer Update</p> <p>Additional Conditions recommended</p>	<p>the applicant’s noise assessment are demonstrably incorrect, and essential information is also missing. The resulting uncertainty in their predictions is significant, and the magnitude of adverse impact upon residents is underestimated.</p> <p>The primary element missing is real-world data measured at the venue. The assessment relies on computer models that are not verified, and the March 2023 NJD Environmental Associates Ltd report version unfortunately falls into the category described by Ed Clarke MIOA in the March/April 2023 edition of the IOA bulletin.</p> <p>In the pursuit of informed decision-making outcomes, the output of an acoustic model should not be assumed to be correct without consideration of what has been done in the calculation, how the model is constructed, and the qualifications of its author.</p> <p>Bridal Suite – Omitted from the officer report is the change of use of part of the existing dwelling, to allow for occupation by the bridal party and provide overnight accommodation. This is a small part of the existing house and is considered to result in no additional impacts over and above those set out in the officer report.</p> <p>Conditions – Along with the amended EHO conditions as set out above the following additional conditions are recommended.</p> <ul style="list-style-type: none"> <li>• Number of events to be limited to no more than 15 events per year, unless otherwise agreed in writing by the Local Planning Authority. (Note that the applicant requests that this be 20 events to ensure financial viability.)</li> <li>• No external lighting, temporary or permanent, is to be installed except in accordance with a lighting plan which has first been submitted to and approved by the Local Planning Authority.</li> <li>• There shall be no amplified music within the “Rustic Barn” unless otherwise in accordance with details submitted to and approved in writing by the Local Planning Authority.</li> </ul>
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## Observations

- Outdoor fireworks shall not be used at any event, at any time.

A number of additional objections have been received since the report went to print. Some of these re-iterate matters covered in the report, some raise concerns about the content of the officer report. Any new issues are summarised below:

- Number of events should be limited to no more than 15 per year.
- The roadside grass was recently cut to make the lane appear wider than it is.
- The aesthetic damage to the lane through the introduction of the passing places, should not be underestimated.
- It is the uncontrolled outside activity that is most harmful.
- Issues of light pollution.
- Client of local businesses will be aware of the presence and issues of noise generated by the development and as such there will be a harmful impact on existing businesses. The development will result in stress on client's cats.
- The applicant's have not demonstrated an ability to control harmful impacts from the use, to date, why does the officer think that this has changed ?
- Events could take place through the week and not just at weekends and could take place right through the year.
- Ashcroft floods and can not always be relied upon for access.
- If a left turn was made out of the new proposed access then all traffic would pass 9 residential properties, where there is barely any traffic at present.
- The number of traffic movements is severely underestimated.
- Late night traffic will impact on sleep.
- Green Hills Lane is located close to 'Ainderby Bottoms', this low- lying bottoms ground is one of the most important wildlife areas in the District. These breeding species include: Song Thrush; Spotted Flycatcher, Reed & Sedge Warbler, Tree Sparrow, Reed Bunting and Bullfinch. It is also the most important area in the whole of Yorkshire for *Prochoreutis myllerana*, all of which will be impacted by the proposals.
- The use of GreenHills Lane into Ainderby Steeple should be limited as it has been shown that this area is used by common toads and frogs.
- Any passing places close to trees should be carefully considered as there is a risk of permanent damage to trees.

- A single case officer should not both compile the report and make recommendation.
- 3 minutes is insufficient to deal with these matters at Committee.
- There is not enough detail on the safety of other road users. There are serious concerns about the safety of walkers, cyclists, horse riders and other road users as a result of the proposed development.
- The lane is too narrow for passing places to be formed.
- The response of North Yorkshire Fire and Rescue Service should be awaited.
- The development as a whole (including cars parking, noise, etc) will harm the character of the area.
- The proposed development fails to preserve the agricultural character of the area.
- The proposed passing places are not long enough to allow a tractor and implement to pass a vehicle coming the other way.
- There is no mention of the change of use of part of the existing dwelling to accommodate the bridal suite.
- A detailed plan of where the location of the passing places would go (as informed by a topographical survey) is required before Officers can rely on them to justify the highway safety impact.
- Reference to the public right of way is omitted from the site's description?
- Has any consultation been undertaken to Natural England? (note that Yorkshire Wildlife Trust have been consulted)
- Has the Lead Local Flood Authority commented on the extreme surface water drainage issues along Warlaby Lane? – this is crucial to identify if the road is subject to localised drainage issues which is ultimately going to make the access arrangements unworkable.
- There is no reference to controlling the maturity of the landscaping to be implemented?
- How can the lobby system within the barn work?
- Further details on the noise limiter should be provided – are the controls locked once set with the agreement of the EHO?
- No internal or external hours of operation have been proposed in the EHO response – this is crucial.
- In terms of the comments on 'Agent of Change' and the impact to the cattery business – have any noise readings been taken from the premises during and after an event to substantiate the Officer view that no acoustic harm would result? Should there be any adverse impacts on the business the operator will seek legal advice to recoup losses.

- Concerns raised around the involvement of The Interim Head of Highways, in the highways consultation response (Officer note: This is a separate matter and not a material consideration in the determination of this application).
- The new access and existing should be tarmacked
- Hours of use; please restrict times of use to reduce disturbance to neighbouring properties
- Days of use/number of events, please restrict to again reduce disturbance and intensification over summer months when residents are also trying to enjoy their outdoor space
- Limit number of vehicles & vehicle movements again to minimise disruption
- No outside entertainment to minimise noise, including unamplified bands, musicians, soloists etc including accommodation at pods when used in conjunction with wedding. (these are causing disruption to local residents )
- All musicians (indoor) must use noise limiter, no exceptions.
- All amplified music must be recorded and stored on USB to satisfy Environmental Health Officers in view of a complaint. This could be linked to the sound limiting device to allow cross referencing to the manual recordings in the management plan
- Ensure the sound insulation is achieved in the celebration barn to a sufficient standard to reduce the impact to residents
- There is a PA system in Rustic barn, as this building has no sound insulation, please restrict this to no amplified music
- No Marquee's, tents etc -potential for massive noise disruption to local residents
- Lighting of car park, car park, routes to accommodation, new access road must all have low lighting to reduce light pollution to residents, wildlife and livestock.
- This venue has a potential for other events such as birthday parties, please limit use of venue for these type of events when traffic movements could be higher as will tend to be for local people
- No use of fireworks due to agricultural setting
- Construction of new access track, please limit times and days of construction
- Ensure 10mph speed limit to new access by installation of speed bumps at regular intervals
- Indication of proposed passing places implies that traffic may not follow the suggested routes- additional installations are required to inhibit residential access issues- 1) to the West side of Green Hill lane as originally suggested by Highways, 2) on the corner where Warlaby lane meets Greenhills lane 3) between South Cottage and Malvern. No parking signs should be displayed in order to maintain the free flow of traffic.



- The prohibited use of Greenhills Lane should be enforced for all associated venue traffic to ensure direction via the new access route to Warlabby Crossroads, and limit noise light and dust pollution to nearby residents
- The operation of the site last year showed that the development will result in noise, litter and traffic issues.
- The applicant is advertising that they can host 200 guests.
- Potential impacts on farming practices for the operator of the farm to the south of the application site. Late night operation of farm machinery is common and will come into conflict with guests to the development.
- Likelihood of inebriated guests walking up and down the lane.
- Already issues of worrying sheep resulting from influx of guests to camping pods.
- Highways report fails to address the issues in sufficient detail. There have been no accidents owing to the very limited use of the route to Warlabby.
- The current lawful use of the camping pods already causes noise and disturbance contrary to the case officers comments.
- There are options to work with local land owners to improve visibility at the Warlabby Village junction. A proper plan of improvements should be developed.
- New proposed access and Green Hills Lane (private part), should be considered for quiet tarmac due to the proximity to residents. The traffic movements which have not been accounted for suppliers, contractors and staff will be daily and will use the shorter access. We are suggesting tarmac for the new access road as we do not feel the loss of amenity has been fully evaluated. Please could you consider a planning condition for the surface of the road to be evaluated at a later date once we have had opportunity to evaluate if there is excessive noise. As you will be aware we took our own base line readings from Malvern and Holly Garth last month so if it is to be laid we can draw a full and true comparison of noise and if it is excessive the lane must then be constructed with tarmac. (We will need to consult our expert on which weather patterns may create a different result.) If there is no loss to amenity then this planning condition can later discharged.
- Not clear how fire exit will be dealt with, nor access for Fire and Rescue Services.
- Speed limit should be reduced in the region of the Warlabby Crossroads.
- Concern about cars having to reverse on the highway and associated road safety risks.
- The new access should be sufficiently wide as to prevent traffic congestion on the road and the risk of reversing back, into the highway.

3	22/00930/FUL Hutton Rudby & Osmotherley	Applicant	<p>Email dated 03.05.2023 re: clarification on procedures for deliveries <i>et.al</i>:</p> <p><i>“Just to confirm with you that when a wagon arrives on site it parks along side the building.(not blocking the Bridal Path) Once we are ready for it to enter the building to be loaded or off loaded a banks person would assist. There is clear, straight line of sight ,both ways along the bridal path and we are considerate to anyone using the path before reversing into the building or pulling out. As you are aware we have been operating for over a year now and have had no issues with the public (this path is very low use by the public). We would be prepared to work with the council on looking at re-routing the bridal path, if you think this is necessary , around past the building entrance- a small diversion to the other side of the grass mound?...”</i></p>
Page 10		Applicant	<p>Email dated 28.04.2023 with photographs showing various delivery vehicles (including HGVs) loaded/unloading within the part of the building used by <i>Blasthaus</i>.</p> <p>Selected photographs from the email will be shown within the Officer presentation at Planning Committee.</p>
		Case Officer	<p><u>Updated Officer Recommendation:</u></p> <p>Reason (for Refusal) ii.at para. 12.1 of the Officer Report states:</p> <p><i>ii. While the applicant has submitted an updated Noise Impact Assessment which concludes that the internal ‘breakout’ noise and noise from servicing and delivery activities meet the relevant acceptable noise levels in relation to the Noise Sensitive Receptor (i.e. the residential property of Park House), it is noted that the Assessment is based on what Officers considered to be an unrealistic assumption, i.e. that all loading and unloading of steel deliveries will take place within the building (with the roller shutter door shut) As such, the results and conclusions of</i></p>

			<p><i>the updated Noise Impact Assessment (as based on this assumption) does not allow for an accurate determination of the noise impact of the development on Park House. Policy E2 of the Local Plan expects development to maintain high standards of amenity, particularly for residential properties. Therefore, unless resolved, the inability to accurately assess the amenity (noise) impact of the development on Park House will constitute a reason for refusal.</i></p> <p>Based on the evidence provided within the aforementioned photographs submitted by the applicant it has subsequently become clear that the loading and unloading of steel is able to take place within the building (with roller shutter door shut) involving HGVs of at least up to a cab with five-axel trailer.</p> <p>Therefore, the results and conclusions of the updated Noise Impact Assessment (NIA) submitted with the application do, in the view of Officers, provide an accurate determination of the noise impact of the development on Park House. As the results of the NIA show that the noise impacts from the internal operations at the site are therefore predicted to be below the Lowest Observed Adverse Effect Level (LOAEL)* based on the assumption that deliveries will be fully loaded within the building, both the noise impacts from both deliveries/site servicing and 'breakout' noise from inside the building are considered to be acceptable in relation to the nearest Noise Sensitive Receptor (the residential property of Sexhow Farm Park)</p> <p>Officers therefore consider that reason for refusal ii. has been appropriately resolved.</p> <p>* noise levels below the LOAEL are an indication that it is less likely that the sound source will have an adverse impact.</p>
4	22/02352/FUL	Agent	<u>Additional and Amended Documents:</u>

	Northallerton South		<p>The following additional and amended documents have been submitted since the publication of the agenda and have been uploaded to Public Access:</p> <ul style="list-style-type: none"> <li>• Verified Visualisations (April, 2023) and Technical Methodology (April, 2023), and</li> <li>• Amended Heritage Statement (Version V0.2; 21.04.2023)</li> </ul>
Page 12		Case Officer Comments on the Additional Information Submitted.	<p><u>Verified Visualisations (April, 2023)</u>  The visualisations include a ‘single frame reference image’; a ‘3D model view’; and ‘composite 3D model view’ in relation to three viewpoints.</p> <ul style="list-style-type: none"> <li>• Viewpoint 1 – Northallerton High Street</li> <li>• Viewpoint 2 – Brompton Road</li> <li>• Viewpoint 3 – View (of eastern elevation) across the car showroom.</li> </ul> <p>Having considered the visualisations, Officers consider that they provide greater clarification regarding the visual impact of the proposed development from the viewpoint of Northallerton High Street, supporting the conclusions within the amended Heritage Statement that only ‘glimpsed views’ of the building would be possible moving north-to-south along the High Street and unlikely to be seen at all when moving south-to-north. Officers therefore conclude that the proposed development would not have a harmful impact on the character and appearance of Northallerton High Street (as viewed from the viewpoint of the High Street).</p> <p>However, Officers’ conclusions (as stated within the Officer report) regarding the harmful impacts on the character and appearance of the Conservation Area, the setting of listed buildings, townscape and in relation to design remain unaltered (including the weight to be given to these harmful impacts within the planning balance). Therefore, Officers consider that the three reasons for refusal (as set out at para. 12.1 of the Officer Report) are still relevant and the Officer recommendation remains that planning permission be refused.</p> <p><u>Amended Heritage Statement (Version V0.2; 21.04.2023)</u>  The amended Heritage Statement has been provided in response to Officers’ feedback on the application.</p>

In this regard, para. 5.4.9 states that:

*“Ian Nesbit has noted the importance of retaining the permeability of these passageways. Tweddles Yard is not amongst the list of yards explicitly noted in the local plan or the conservation area appraisal. The latter states that the back-land area is most intact south of Zetland Street, more than 200m south of the site. The proposed development will therefore not harm any of the most significant yards noted in these documents.”*

While it is correct that Tweddles Yard is not specifically mentioned within the wording of Policy EG5, it is nevertheless identified on the Proposals Map of the Local Plan as one of the relevant ginnels/yards, and while Tweddles Yard is further north than other pedestrian yards, ginnels and pedestrian accessways it nevertheless provides similar east-west pedestrian permeability within Northallerton that the Yards and Ginnels Project (as stated within policy EG5) is seeking to support. Officers therefore consider Policy EG5 (as set out in the Officer Report) to be relevant to the consideration of this application.

Para. 5.4.10 of the amended Heritage Statement has added the following:

*“Furthermore, since the footprint of the building will remain unchanged, the public footpath from the ginnel that leads from High Street to Elder View and curves around the proposed site will not be changed and will still be readily accessible. It must be noted that the proposed changes will not serve as an improvement opportunity, as is prioritised in the local plan, but neither will it result in more harm. Due to the turn in the footpath and the presence of the building on the Site already, High Street cannot be seen from East Road at the present time. The addition of two storeys will not change this. The complex on the site already blocks views of the historic High Street buildings behind it, so that even the rooftops cannot be seen (see photomontages in Appendix B). Taking these considerations into mind, the increase in height will not change the ‘visual permeability’ from this vantage point, which was a concern noted*

*in consultation with Ian Nesbit and Diane Wilson. Visual permeability will also not be changed when looking down from Brompton Road or from the High Street towards Friarage Street. Since the development is set back from the main roads, it will appear in views of*

Page 14			<p><i>some heritage assets but it will not obstruct these views or be dominant in views of any significant assets, like Durham House.”</i></p> <p>Para. 5.4.11 states that, <i>“Although it is accepted that the development will create a degree of change in certain approaches to the conservation area, any harm from this change would be negligible and certainly less than substantial.”</i></p> <p>Notwithstanding the above assessment, Officers (as stated within the Officer Report) still consider that the increased height and scale of the proposed extended building would result in an out-of-scale, out-of-proportion and incongruous building that would dominate important viewpoints of Northallerton’s townscape (including roofscape) and undermine the aims of The Ginnels Projects (as stated within Policy EG5) to create inviting and high quality designed east-west pedestrian routes/links within Northallerton, as well failing to sustain or enhance the significance of a heritage assets and the contribution of setting, resulting in less than substantial harm to heritage assets that is not outweighed by the public benefits of the proposals.</p>
Page 14		<p>Representations received from the Council’s Conservation Officer (based on the aforementioned additional/amended documents)</p>	<p>The Conservation Officer has provided additional comments (dated 10.05.2023) in response to the additional/amended documents submitted (as summarised):</p> <ul style="list-style-type: none"> <li>• The photomontage has identified change in the views to the conservation area and setting of listed buildings.</li> <li>• Although the site is on the outskirts of the conservation area, the development would still alter the current sky scape and does not contribute to the experience of the conservation area or how it is appreciated.</li> <li>• The heritage statement states Most key views remain unaffected, and it will only be potentially visible in glimpse views from the High Street when approached from the north. This might be the case but harm is harm.</li> <li>• The photomontage has identified the significant change along Friarage Street where the proposed development would be seen above the small linear buildings along this street which are an off shoot from the burgage plot on the high street.</li> </ul>

			<ul style="list-style-type: none"><li>• In terms of setting the development would also affect the setting of Nos 2 and 3 East Road a Grade II listed building. This former coach house and entrance is a mid 18<sup>th</sup> century building and is significant by way of its historical significance of street patterns of the past. The photomontage images only show the car park adjacent to this building and not a full view of the proposed extension when set against the coach house.</li><li>• It is considered that the additional information has confirmed the previous thoughts of the council in terms of harm to heritage assets.</li><li>• The proposal fails to sustain or enhance the significance of a heritage assets and the contribution of setting</li><li>• The public benefit of providing additional housing does not outweigh the harm to the heritage assets as additional housing can be provided elsewhere.</li></ul>
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